



Attorney Docket No.: 030906

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants:** Crafton, Corey M. et al. : **Examiner:** Kaushal, Sumesh  
Serial No.: 09/987,763 : **Art Unit:** 1633  
**Filing Date:** November 15, 2001 :  
**Entitled:** NUCLEOTIDE SEQUENCES FOR TRANSCRIPTIONAL REGULATION OF CORYNEBACTERIUM GLUTAMICUM

**DECLARATION PURSUANT TO 37 C.F.R. § 1.132**

I, Corey M. Crafton, declare as follows:

1. I have personal knowledge of the information contained herein.
2. I have over 10 years of experience with Archer-Daniels-Midland Company, including 6 years as a molecular biologist. My technical focus is on bacteria. I am also a registered patent agent.
3. I am a co-inventor of the subject matter claimed in U.S. Patent Application No. 09/978,763 ("the '763 application"), and as such I am familiar with the subject matter presented therein. I am also familiar with the prosecution of the '763 application. I have read and am familiar with the contents of the book excerpts and journal articles cited in this Declaration.
4. As one skilled in the art of molecular biology in general and bacterial engineering in particular, I recognize the utility of the invention described and claimed in the '763 application. I recognize that the invention as claimed has a specific and substantial utility, based at least on the factors discussed below.
5. One of ordinary skill in the art knows that a promoter is a nucleotide sequence that is recognized by RNA polymerase molecules which start RNA synthesis and that it is located immediately upstream of a gene. As explained in more detail in Devlin, T., *Textbook of Biochemistry with Clinical Correlations*, 689-696 (1997), a promoter consists of two highly conserved sequences: the -10 sequence (Pribnow box) and the -35 sequence. As stated in